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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 348/2019**

SARTHAK GARG

..... Petitioner

Through: Ms Nidhi Banga, Mr Govil
Upadhyaya, Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Vikas Mahajan, CGSC with Mr
Anrudh Sukla, GP, Ms Neha Sharma,
Mr Aakash Varma and Mr Deepak
Goyal, Advocates for UOI with Mr
Prince Raushan, JPA, RPO, Delhi.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.01.2019

CM No.1638/2019

1. Allowed, subject to all just exceptions.

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2. Issue notice. Learned counsel appearing for the respondents accepts notice.

3. The petitioner has filed the present petition, *inter alia*, praying that necessary directions be issued to respondent no.2 (Regional Passport Officer) to make a correction regarding the date of birth of the petitioner, which is recorded in the passport (passport no.M 7914445) issued when he was minor.

4. The petitioner claims that he was born on 19.10.2000 at Sanjivani

Nursing Home, 13-D, Kamla Nagar, Delhi-110007. He has also produced the discharge summary from the said hospital at the relevant time. In addition, the petitioner has also produced the birth certificate issued by the Registrar of Births and Deaths, Government of NCT of Delhi indicating the petitioner's date of birth as 19.10.2000 and the same was entered in the relevant records on 09.11.2000. In addition to the above, the petitioner has also filed a copy of the certificate issued by the Central Board of Secondary Education, which also indicates the petitioner's date of birth as 19.10.2000.

5. The parents of the petitioner had applied for passport of the petitioner when he was minor, and a passport bearing no.E7986998 was issued to the petitioner on 22.04.2000. He was approximately three and half years old. The said passport indicates the petitioner's date of birth as 19.09.2000. Mr Mahajan, learned counsel appearing for the respondent has handed over copies of certain documents which indicate that the said passport was issued pursuant to the declaration made by the petitioner's parents, indicating his date of birth as 19.09.2000. In addition to the said declaration, the parents of the petitioner had also furnished a birth certificate dated 19.10.2003 issued by the concerned authority at Jaipur. The said documents indicate the petitioner's date of birth as 19.09.2000.

6. It is apparent from the above that the documents furnished by the parents of the petitioner at the time of applying for his passport on 22.04.2000, were incorrect. It is also apparent that they had procured a false birth certificate from the authorities in Jaipur. The birth certificate issued by the authorities in Jaipur was subsequent to the registration of the petitioner's birth with the Registrar of Birth and Deaths by Government of NCT of Delhi.

7. It is also apparent that the parents of the petitioner had made a false declaration in the application form filed for issuance of the passport to the petitioner.
8. Plainly, the petitioner cannot be penalised for incorrect declaration made by his parents as he was a minor at the relevant time. In this view, respondent no.2 (The Regional Passport Officer) is directed to process the petitioner's passport uninfluenced by the incorrect date of birth recorded earlier.
9. Respondent no.2 shall also take necessary steps for proceeding against the parents of the petitioner for filing a false declaration.
10. The petitioner is further directed to take necessary steps for deletion of the incorrect entry in the records of the concerned authority at Jaipur. It is clarified that the passport will not be issued to the petitioner unless a certificate indicating that necessary rectification in respect of the petitioner's birth has been carried out by the concerned authority at Jaipur in its records.
11. The petition is disposed of in the aforesaid terms.

VIBHU BAKHRU, J

JANUARY 15, 2019
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